

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

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CHAPTER 13 PLAN (Individual Adjustment of Debts)

- ☐ Original Plan
- ☒ April 12, 2023 Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)
- ☐ Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)

DEBTOR: Israel McKinney JOINT DEBTOR: Jennifer McKinney CASE NO.: 22-11558
SS#: xxx-xx- 2558 SS#: xxx-xx-8026

I. NOTICES

- To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 3015-1, 3015-2, and 3015-3.
- To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.
- To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

TO ALL PARTIES:

Unless otherwise provided for in this plan, the Trustee shall disburse payments in the following order: administrative expenses including trustee and attorney fees, secured claims, priority claims, general unsecured claims.

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

- A. MONTHLY PLAN PAYMENT:** This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order, unless otherwise specified herein. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$75,000.00 for paid to date months;
2. \$15,000.00 for 39 months;
3. \$22,000.00 for 15 months;
4. \$0.00 for _____ months;
5. \$0.00 for _____ months;
6. \$0.00 for _____ months;
7. \$0.00 for _____ months;

The total amount of estimated payments to the trustee: \$990,000.00

B. DEBTOR(S)' ATTORNEY'S FEE:

☐ NONE ☐ PRO BONO

Total Fees: \$25000.00 Total Paid: \$0.00 Balance Due: \$25000.00
Payable \$0.00 /month (Months _____ to _____)

Attorney fees subject to Court Approval

III. TREATMENT OF SECURED CLAIMS

A. SECURED CLAIMS: ☐ NONE

[Retain Liens pursuant to 11 U.S.C. §1325 (a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1. Creditor: <u>Marine Credit Union</u>	
Address: Attn: Bankruptcy Po Box 309 Onalaska WI 54650	Arrearage/ Payoff on Petition Date <u>307,000.00</u> Regular Payment (Direct) <u>\$3,964.26</u> /month
Account No.: _____	
Other: <u>Creditor granted relief from stay - No payments on this claim</u>	
<input checked="" type="checkbox"/> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other Real Property	Check one below for Real Property: <input checked="" type="checkbox"/> Escrow is included in the regular payments <input type="checkbox"/> The debtor(s) will pay <input type="checkbox"/> taxes <input type="checkbox"/> insurance directly
Address of Collateral: W5441 Innsbruck Rd West Salem, WI 54669	
<input type="checkbox"/> Personal Property/Vehicle	
Description of Collateral: _____	
2. Creditor: <u>Internal Revenue Service</u>	
Address: PO Box 7346 Philadelphia PA 19101-7346	Arrearage/ Payoff on Petition Date <u>309,801.19</u> Regular Payment (Maintain) <u>\$4,434.33</u> /month
Account No.: _____	
Other: <u>See Non-Standard Provision Below</u>	
<input type="checkbox"/> Real Property <input checked="" type="checkbox"/> Principal Residence <input type="checkbox"/> Other Real Property	Check one below for Real Property: <input type="checkbox"/> Escrow is included in the regular payments <input type="checkbox"/> The debtor(s) will pay <input type="checkbox"/> taxes <input type="checkbox"/> insurance directly
Address of Collateral: W5441 Innsbruck Rd West Salem, WI 54669	
<input checked="" type="checkbox"/> Personal Property/Vehicle	
Description of Collateral: <u>All Assets</u>	

B. VALUATION OF COLLATERAL: ☒ NONE

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. § 1322(a)(4)]

A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE: ☒ NONE

B. PRIORITY TAX CLAIMS: ☐ NONE

Total Due: <u>\$639,028.72</u>	Total Payment <u>\$639,028.72</u>
Payable <u>\$0.00</u> /month	

C. DOMESTIC SUPPORT OBLIGATION(S): ☒ NONE

D. OTHER: ☒ NONE

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS

A. Pay \$0.00 /month

Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

B. ☐ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: ☒ NONE

*Debtor(s) certify the separate classification(s) of the claim(s) listed above will not prejudice other unsecured nonpriority creditors pursuant to 11 U.S.C. § 1322.

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES: Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

VII. INCOME TAX RETURNS AND REFUNDS: ☒ NONE

VIII. NON-STANDARD PLAN PROVISIONS ☐ NONE

☒ Nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are void.

(III)(A)(2) - The Internal Revenue Service has a secured claim in the amount of \$412,301.19 pursuant to the amended proof of claim. Debtors are surrendering their interest in their homestead (IRS has pending motion for relief to recoup any excess proceeds above and beyond the Marine Credit Union 1st mortgage). The Debtors' schedules included an amount of \$102,500.00 in homestead value attributed to the IRS secured claim. Accordingly, and based upon the surrender of that asset and ability for IRS to recoup on its claim outside of the plan, the secured claim shall be reduced to \$309,801.19. This secured claim shall be amortized over 90 months at 7.0% interest for a monthly payment of \$4,434.33. Until the plan is confirmed, the Debtors shall make an adequate protection payment of \$4,434.33, which will be effective April 2023. Upon confirmation, the Debtors will continue the monthly payment of \$4,434.33 and that payment shall continue upon the conclusion of the chapter 13 plan and until paid in full.

The Debtors and IRS further agree to the following:

- 1) No IRS debts will be discharged until after the 90 months (or satisfaction of the IRS secured claim if it occurs prior to 90 months.
- 2) Post-Petition interest on the IRS priority portion will be discharged only if Debtors make and complete the 30 additional payments required to satisfy the secured claim.
- 3) Debtors must stay current on their post-petition taxes (including timely filing of returns, timely payment of estimated quarterly taxes, and timely payment of any payment shortfalls) during the additional 30 months of secured claim payments or else the unpaid portion of all the taxes (priority and general unsecured) will be deemed not discharged by any discharge entered upon the completion of the plan.
- 4) Should Debtors miss 2 consecutive plan payments, and not sure those payments within (7) days of notification to their counsel by email, the automatic stay shall terminate without the need for a further motion or order.
- 5) Debtors must stay current on all post-petition tax obligations, including timely filing of returns and timely payment of estimated quarterly taxes (along with any shortfall paid with a timely return) or the case will be dismissed upon the filing of an affidavit by IRS.

☐ Mortgage Modification Mediation

PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

s/Israel McKinney Debtor April 12, 2023
Israel McKinney Date

s/Jennifer McKinney Joint Debtor April 12, 2023
Jennifer McKinney Date

s/Greg P. Pittman April 12, 2023
Attorney with permission to sign on Date
Debtor(s)' behalf

By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VIII.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: ISRAEL and JENNIFER McKINNEY

Chapter 13

Case No.: 22-11558

REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

1. This request to amend an unconfirmed Chapter 13 Plan supersedes all prior requests to amend the Plan and includes all proposed amendments. Terms not fully stated here or in the original Plan are not part of the Plan.
2. Service: A certificate of service must be filed with this request for plan amendment, together with the amended Western Wisconsin Local Form 3015-1.1.
3. Designate one of the following:

☒ A copy of this proposed amendment has been served on the parties (the debtor, the trustee, the United States Trustee and all creditors) as required by Fed. R. Bank. P. 3015(g); or

_____ A motion requesting limited service is being filed simultaneously with the Court.
4. I request the following amendment of the Chapter 13 Plan filed with the Court:
Plan is amended to incorporate IRS' Amended Proof of Claim and provide for the surrender of the homestead property.

All remaining terms of the original Chapter 13 plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment will control.

WHEREFORE, each Debtor requests the Court approve this proposed amendment to the original Chapter 13 Plan.

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WISCONSIN

In Re:

In Bankruptcy No:

**ISRAEL McKINNEY and
JENNIFER McKINNEY**

Debtors.

Case No: 22-11558

NOTICE OF AMENDED CHAPTER 13 PLAN

PLEASE TAKE NOTICE, that the debtors, Israel and Jennifer McKinney, by their attorneys, PITTMAN & PITTMAN LAW OFFICES, LLC by Greg P. Pittman, has filed an Amended Chapter 13 Plan. A copy of said Amended Plan is attached thereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve said motion, or if you want the Court to consider your views on the motion, then on or before **May 4, 2023**, you or your attorney must file with the Court, in writing, your position in said matter and request a hearing and file your original document with the ***United States Bankruptcy Court, 120 N Henry Street, Rm. 340, Madison, WI 53703*** and a copy to ***Greg P. Pittman, 712 Main Street, La Crosse, Wisconsin 54601***. If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought by the motion and may enter an order granting that relief.

Dated this 13th day of April, 2023, at La Crosse, Wisconsin.

PITTMAN & PITTMAN LAW OFFICES, LLC

By: s/Greg P. Pittman
Greg P. Pittman
Attorney No: 1073787
Attorney for Debtors
712 Main Street
La Crosse, WI 54601
(608) 784-0841

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In Re:

In Bankruptcy No:

ISRAEL McKINNEY and
JENNIFER McKINNEY

Debtors.

Case No: 22-11558

AFFIDAVIT OF SERVICE BY MAIL

STATE OF WISCONSIN)
) SS
COUNTY OF LA CROSSE)

The undersigned being first duly sworn states that a true copy of *the Amended Chapter 13 Plan dated April 12, 2022, Request to Amend, and Notice of Amend Plan* was served upon the individuals on attached list either by electronic filing or by enclosing the same in an envelope postpaid for first class handling which bore the sender's name and return address and addressed to each such individual at their respective post office addresses and deposited in a U.S. Post Office depository in La Crosse, Wisconsin on April 13, 2022.

s/Wanda Nickelotti
Wanda Nickelotti

Subscribed and sworn to before me
this 13th day of April, 2023.

s/Greg P. Pittman
Greg P. Pittman, Notary Public
My Commission is permanent.

Label Matrix for local noticing
0758-1
Case 1-22-11558-rmb
Western District of Wisconsin www.wiwb.uscour
Eau Claire
Thu Apr 13 15:12:20 CDT 2023

Theresa M. Anzivino
U.S. Department of Justice
222 West Washington Avenue
Suite 700
Madison, WI 53703-2775

Credit Bureau Data Inc
Attn: Bankruptcy
518 State Street Po Box 2288
La Crosse, WI 54602-2288

Enhanced Recovery Company
Attn: Bankruptcy
8014 Bayberry Road
Jacksonville, FL 32256-7412

IRS - Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Marine Credit Union
Attn: Collections Dept
P.O. Box 309
Onalaska, WI 54650-0309

Jennifer McKinney
429 S. 2nd St. N. #322
West Salem, WI 54601

SOUTHEASTERN EMERGENCY PHYSICIANS, LLC
c/o Wakefield & Associates, LLC
PO Box 51272
Knoxville, TN 37950-1272

U.S. Trustee's Office
780 Regent Street, Suite 304
Madison, WI 53715-2635

Wisconsin Department of Revenue
Special Procedures Unit
P.O. Box 8901
Madison, WI 53708-8901

American Accounts & Advisers
Attn: Bankruptcy
Po Box 250
Cottage Grove, MN 55016-0250

Nathan Baney
DOJ-Tax
Civil Trial Section, Central Region
P.O. Box 7238
Washington, DC 20044-7238

Credit Collection Services
Attn: Bankruptcy
725 Canton St
Norwood, MA 02062-2679

Gundersen Health System
1900 South Ave.
La Crosse, WI 54601-5496

(p)US ATTORNEY'S OFFICE WESTERN DISTRICT OF W
ATTN ESA ANZIVINO
222 WEST WASHINGTON AVENUE
SUITE 700
MADISON WI 53703-2775

Marine Cu
Attn: Bankruptcy
Po Box 309
Onalaska, WI 54650-0309

(p)NATIONAL SERVICE BUREAU
18912 NORTH CREEK PARKWAY
SUITE 205
BOTHELL WA 98011-8016

Secretary of Treasury
Treasury Department
1500 Pennsylvania Avenue N.W.
Washington, DC 20220-0001

VISTA RADIOLOGY PC
c/o Wakefield & Associates, LLC
PO Box 51272
Knoxville, TN 37950-1272

(p)AMERICOLLECT INC
PO BOX 2080
MANITOWOC WI 54221-2080

Bonneville Collections
Po Box 150621
Ogden, UT 84415-0621

Department of Treasury - Internal Revenue Se
PO Box 7346
Philadelphia, PA 19101-7346

Mark Harring
122 West Washington Ave.
Suite 500
Madison, WI 53703-2758

Sam E. Kaufman
Vande Zande & Kaufman, LLP
408 E. Main Street
PO Box 430
Waupun, WI 53963-0430

Israel R. McKinney
W5441 Innsbruck Rd
West Salem, WI 54669-9316

Greg P. Pittman
Pittman & Pittman Law Offices, LLC
712 Main Street
La Crosse, WI 54601-4121

Securities and Exchange Commission
175 West Jackson Boulevard
Suite 900
Chicago, IL 60604-2908

(p)WAKEFIELD & ASSOCIATES
PO BOX 51272
KNOXVILLE TN 37950-1272

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Americollect, Inc.
PO Box 1566
Manitowoc, WI 54221

Internal Revenue Service
United States Attorney's Office
222 West Washington Avenue, Suite 700
Madison, WI 53703

National Service Bureau, Inc
18912 North Creek Parkway
Suite 205
Bothwell, WA 98011

Wakefield & Associates
Attn: Bankruptcy
7005 Middlebrook Pike
Knoxville, TN 37909

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Wisconsin Dept. of Revenue
Special Procedures Unit - PO Box 8901
Madison, WI 53708-8901

End of Label Matrix	
Mailable recipients	27
Bypassed recipients	1
Total	28